

HOUSE BILL 1607

By Odom

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 53; Title 63 and Title 68, relative to providing
prescriptive authority for psychologists.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-11-203(a), is amended by adding the following sentence after the sentence that concludes with the word "consultation" and before the start of the sentence beginning "Psychological services may be rendered":

Practice of psychologist includes the authority to prescribe and dispense drugs or other treatment procedures within the scope of practice for psychologists as defined by this chapter. Such prescriptive authority includes writing orders for any drug, laboratory test, device, or treatment, including controlled substances, rational to the practice of psychology, subject to the restrictions of this chapter. Licensed pharmacists, laboratories, and health care facilities may fill prescriptions and orders for laboratory tests and devices when written by prescribing psychologists.

SECTION 2. Tennessee Code Annotated, Section 63-11-208, is amended by adding the following new subsections to be appropriately designated:

(f)

(1) "Prescribing psychologist," as used in this chapter, means a psychologist with a health service provider designation as defined in subsection (d) and who has been certified as a prescribing psychologist as defined by the board. The board shall certify that a psychologist has met the training, education, experience and examination requirements necessary for certification as a prescribing psychologist. A prescribing psychologist shall have the authority to write orders for any drug, laboratory test, device, or treatment, including

controlled substances, rational to the practice of psychology, except that a prescribing psychologist shall not have the authority to prescribe Schedule II drugs.

(2) The board shall not certify more than twenty-five (25) prescribing psychologists until such time as the general assembly determines the efficacy of permitting a greater number of prescribing psychologists in this state. The board shall review applications for certification as they are received and shall certify the first twenty-five (25) applicants who meet the criteria for certification determined by the board.

(3) For two (2) years after being certified as a prescribing psychologist, a prescribing psychologist shall perform services pursuant to a collaborative practice agreement with a physician licensed pursuant to title 63, chapter 6 or 9. "Collaborative practice agreement" means a contract between a prescribing psychologist and a physician licensed pursuant to title 63, chapter 6 or 9, that:

(A) Is in writing;

(B) Includes a specified drug formulary for use by the prescribing psychologist;

(C) Includes arrangements for telephone or other access for consultation with the physician and procedures for referral of the patient to the physician;

(D) Requires that the physician review at least twenty percent (20%) of charts of the prescribing psychologist's patients for whom medications were prescribed; and

(E) Is filed with the board.

(4) After completion of the two-year physician collaborative practice agreement, the prescribing psychologist must establish and maintain effective communication with a physician for consultation regarding diagnosis and treatment of medical problems, and that relationship may be, but is not required to be, formalized by contract. A prescribing psychologist shall not treat a patient who does not have an established relationship with a primary care physician.

(5)

(A) The board shall promulgate rules to effectuate the provisions of this section. The board shall convene a five-member multidisciplinary group of health professionals that shall be charged with advising the board in the development of such rules, which shall include one (1) representative from the board and one (1) representative from each of the following:

- (i) The board of medical examiners;
- (ii) The board of nursing;
- (iii) The board of optometry; and
- (iv) The board of pharmacy.

(B) Rules relating to the requirements for collaborative practice agreements shall be promulgated by no later than December 31, 2007.

(6) The board shall set standards for certification as a prescribing psychologist based on current educational guidelines stated in the American Psychological Association's publication of Recommended Training in Psychopharmacology for Prescription Privileges. Such standards shall include, but not be limited to, requiring a prescribing psychologist to have received education or supervised training in the following areas:

(A) Pharmacology and psychopharmacology in the areas of child, adult, geriatric, and general clinical, including:

(i) Pharmacokinetics and pharmacodynamics, drug interactions, side effects, substance abuse; and

(ii) Serology, laboratory and maintenance of therapeutic drug levels;

(B) Related sciences, including:

(i) Neuroanatomy, neurophysiology, and neurochemistry; and

(ii) Pathophysiology, organ and anatomy systems both functioning and nonfunctioning, and metabolism and biotransformation;

(C) Treatment applications, including:

(i) Consultation with other professionals;

(ii) Ethics and professional issues; and

(iii) Computer-enhanced record and history accountability;

(D) Supervised training, including a minimum of one (1) calendar year of supervision with at least one hundred (100) patient contacts; and

(E) In addition to any other requirements imposed pursuant to this chapter, at least four hundred and fifty (450) hours of education in accordance with the model curriculum standards for prescriptive authority as currently recommended by the American Psychological Association (APA).

(7) In addition to successful completion of the education and training requirements set forth in subdivision (f)(6), applicants for certification as a

prescribing psychologist must also successfully pass a national examination that tests competency to engage in the practice of prescribing drugs such as the Psychopharmacology Exam for Psychologists (PEP) offered by the American Psychological Association Practice Organization's College of Professional Psychology or the International College of Prescribing Psychologists Examination. The board shall determine passage levels for any such national examinations.

SECTION 3. Tennessee Code Annotated, Section 63-11-204(a), is amended by deleting the period at the end of the subsection and by adding the following language:

with the exception of diagnosis and treatment rendered by a prescribing psychologist in accordance with § 63-11-203.

SECTION 4. Tennessee Code Annotated, Section 53-10-105(a), is amended by inserting the language "prescribing psychologist authorized pursuant to § 63-11-203" between the language "§ 63-8-102(12)," and the language "or veterinarian".

SECTION 5. Tennessee Code Annotated, Section 53-10-105(b)(2), is amended by inserting the language "prescribing psychologist authorized pursuant to § 63-11-203" between the language "§ 63-8-102(12)," and the language "or veterinarian".

SECTION 6. Tennessee Code Annotated, Section 63-10-204(35), is amended by inserting the language "prescribing psychologist authorized pursuant to § 63-11-203" between the language "§ 63-8-102(12)," and the language "or other allied medical practitioner".

SECTION 7. Tennessee Code Annotated, Section 63-7-103(a)(2)(D), is amended by inserting the language ", prescribing psychologist authorized pursuant to § 63-11-203" between the word "podiatrist" and the language "or nurse".

SECTION 8. Tennessee Code Annotated, Section 39-17-402(23)(A), is amended by inserting the language "prescribing psychologist," between the language "optometrist," and the word "veterinarian".

SECTION 9. Tennessee Code Annotated, Section 68-29-121(a), is amended by inserting the language ", or a prescribing psychologist" after the language "chiropractic physician" and before the language "or other health care professional".

SECTION 10. Tennessee Code Annotated, Section 68-29-121(b), is amended by inserting the language ", or a prescribing psychologist" after the language "chiropractic physician" and before the language "or other health care professional".

SECTION 11. Tennessee Code Annotated, Section 63-11-218(a), is amended by adding the following language immediately before the period at the end of the first sentence of that subsection: "as well as any initial application fees and other costs specifically associated with the renewal of certification requirements as a prescribing psychologist".

SECTION 12. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2008, the public welfare requiring it.